

AGENDA
Fighting back against the Thompson Memo:
Can it be done?

White Collar CLE conference call
July 21, 2006
12:30 PM EST

Introduction: Stephanie A. Martz, Director, NACDL White Collar Crime Project

Discussion: Moderated by Stephanie Martz and Professor Ellen Podgor, NACDL Board Member, Professor and Associate Dean, Stetson University College of Law

I. Summary of the ruling in *United States v. Stein* regarding attorneys' fees

The key findings with regard to the Thompson Memo and the actions of the U.S. Attorneys' office

The key constitutional principles

The remedy: ancillary jurisdiction over KPMG

II. Ramifications of the ruling

As a precedential matter, does it translate to other cases? If so, what kinds of cases?

As a practical matter, does it affect the decisions of the government and corporations going forward?

What are the problems presented by the remedy, and how were they overcome in this case?

Other possible ramifications of the ruling: suppression of proffer statements, dismissal of indictment?

III. Questions

See NACDL website for submitting questions via email (email questions to Stephanie@nacdl.org and epodgor@law.stetson.edu).